

**BOARD OF COUNTY COMMISSIONERS**  
**Agenda Item Summary**

**Meeting Date**      7/14/04

**Division**      **County Attorney**

---

**AGENDA ITEM WORDING**

Approval of payment request for \$53,255.00 to KW Resort Utilities for additional sewer work within the public right of way along US 1 on Stock Island, provided all conditions precedent are satisfied.

---

**ITEM BACKGROUND**

KW Resort Utilities, in order to connect Hurricane Hole Marina to the Utilities' sewer system installed piping and related infrastructure upon the public right-of-way along US 1 on Stock Island and upon private property owned by Hurricane Hole Marina. The work was not included in construction plans originally approved by the BOCC. The BOCC approved revised plans to include the work described above. To date, the County Engineer has verified that \$53,255.00 was the cost of the work performed upon the public right-of-way. This amount, plus other costs, was paid by Hurricane Hole Marina directly to the contractor hired by KW Resort Utilities in order to expedite the sewer connection for the Marina. Hurricane Hole Marina has requested reimbursement in a total amount of \$76,000.00. Hurricane Hole would not be barred from seeking additional payments through litigation if this matter cannot be resolved amicably.

---

**PREVIOUS RELEVANT BOCC ACTION**

On April 21, 2004, the BOCC approved in concept a reimbursement to Hurricane Hole Marina in an amount "guesstimated" to not exceed \$71,000.00. This approval was given after the County's Attorney, George Nickerson, indicated that one way to legally make reimbursement was to (1) amend the construction plans to show the additional work and (2) approve appropriate payment to KW Resort Utilities out of the contingency funds identified in the contract between the BOCC and KW Resort Utilities.

---

**CONTRACT/AGREEMENT CHANGES** Approval would require Board approval of work in addition to work approved on July 31, 2002 with KW Resort Utilities.

---

**STAFF RECOMMENDATIONS** Approve payment request of \$53,255.00 to KW Resort Utilities who, in turn, will reimburse this amount to Historic Seaport District, Inc. (dba Hurricane Hole Marina - Fred Skomp).

---

**TOTAL COST** \$53,255.00

**BUDGETED**    Yes    No

**COST TO COUNTY**    \$53,255.00

**SOURCE OF FUNDS**    FUND 304

**APPROVED BY:**    County Attorney ■      OMB/Purchasing !    Risk Management !

**DIVISION DIRECTOR APPROVAL:**

*John R. Collins 07/07/04*  
JOHN R. COLLINS

**DOCUMENTATION:**

Included !

To Follow !

Not Required !

**AGENDA ITEM #** \_\_\_\_\_

*S9*  
*Revised*